

REMARKS

Initially, the Examiner has objected to claims 12-14 and 19-20 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has deleted claims 12-13 and has amended claim 14 to overcome the Examiner's objection. In view of such amendment, applicant respectfully requests withdrawal of the Examiner's rejection under 35 USC § 112, second paragraph.

The Examiner has rejected all of the claims under 35 U.S.C. 102(b) as being anticipated by Emery, U.S. Patent No. 836,769 and by Williams, U.S. Patent No. 2,808,189. In order to more particularly define the invention for which protection is sought, applicant has amended independent claims 6 and 14. As hereinafter described, it is believed the present claims clearly define over the cited references and as such, reconsideration of the Examiner's rejections is respectfully requested in view of the following comments.

Claim 6 defines a support structure for supporting an object. The support structure includes an elongated member extending along an axis and having first and second sides, first and second edges and a thickness. The first side of the elongated member includes a first set of ribs projecting therefrom that correspond to a first set of depressions on the second side of the elongated member. The first set of ribs includes first, second and third ribs axially spaced from each other along an axis transverse to the longitudinal axis of the elongated member. A second set of ribs also projects from the first side of the elongated member at a location axially spaced from the first set of ribs so as to define an object receiving cradle therebetween. Hence, claim 6 requires the first set of ribs and the second set of ribs to define an object receiving cradle therebetween. This, in turn, defines the orientation of the ribs of the support structure. The second set of ribs

includes first, second and third ribs axially spaced from each other along a second axis transverse to the longitudinal axis of the elongated member.

Claim 6 further requires a first rib that projects from the second side of the elongated member. The first rib corresponds to a depression in the first side of the elongated member between the first and second ribs of the first set of ribs. A second rib projects from the second side of the elongated member at a location axially spaced from the first rib projecting from the second side of the elongated member so as to define a second side object receiving cradle therebetween. The second rib projecting from the second elongated member corresponds to a second depression in the first side of the elongated member between the first and second ribs of the second set of ribs. Hence, claim 6 requires the first and second ribs of the first set of ribs projecting from the first side of the elongated member and the first rib projecting from the second side of the elongated member to be aligned along the first axis. Similarly, claim 6 requires the first and second ribs of the second set of ribs and the second rib projecting from the second side of the elongated member to be aligned along the second axis. As defined, the support structure of independent claim 6 requires the first and second object receiving cradles to overlap each other on opposite sides of the support structure and to be separated by the thickness of the elongated member. As described, neither of the cited references shows or suggests such a structure.

The Emery '879 patent is directed to a molded pulp valve tray and package. Referring to Figure 1, that the Examiner attached to the Office Action, the Examiner suggests that the valve tray includes first and second sets of ribs projecting from the first side of the elongated member, as well as, first and second ribs projecting from the second side of the elongated member. The first and second ribs define a first object receiving cradle 48 in the upper surface of the valve tray and the first and second ribs projecting from the second side of the valve tray define a second object receiving cradle 52 in the lower surface of the valve tray. However, it is noted that unlike independent claim 6 which requires the first object receiving cradle and a second object receiving cradle to be

separated by distance generally equal to the thickness of the elongated member, the object receiving cradles in the molded pulp valve tray disclosed in the '879 patent are separated by a distance substantially greater than the thickness of the elongated member, Fig. 3 of the '879 patent. The structure disclosed in the '879 patent is provided in order for the molded pulp valve tray to accommodate cylindrical objects having laterally projecting flanges at one or more of the ends thereof. As a result, by vertically spacing the elongated objects supported by the valve tray, it can be appreciated that fewer objects may be supported by the valve tray in a given area. This is a significant disadvantage over the structure defined in independent claim 6 wherein the objects are separated merely by the thickness of the elongated member. Further, it must be noted that the structure disclosed in the Emery '879 patent may not be modified to provide the support structure defined in independent claim 6. If the object receiving cradles disclosed in the '879 patent were separated by the thickness of the valve tray, as required by independent claim 6, the valve tray disclosed in the '879 patent could not support elongated cylindrical objects having laterally projecting flanges at one end thereof, a primary purpose of the invention disclosed in the '879 patent. See, Emery, U.S. Patent No. 2,783,879, Column 1, lines 41-44.

The Williams '189 patent discloses a packaging material for fragile articles. The packaging material for the sheet having a plurality of recesses formed on one side thereof. The sheet may be folded to define a generally rectangular cavity for housing a plurality of clay pigeons. It is noted that nothing in the Williams '189 patent shows or suggests providing a support structure having object receiving cradles on both sides thereof. The Examiner suggests that the depressions 115 in the center portions of the cradles on the first side of the packaging material could define ribs projecting from the second side thereof. However, the depressions 115 disclosed in the Williams '189 patent are not orientated between the first and second ribs of the first set of ribs nor are any of the depressions orientated between the first and second ribs of the second set of ribs. It is also noted that even if the depressions and projections shown in the Williams '189 patent could define an object receiving cradle as suggested by the Examiner, such object

receiving cradle on the second side of the elongated member does not overlap the object receiving cradle on the first side of the elongated member. Consequently, it is believed that independent claim 6 clearly defines over the Williams '189 patent.

Further, it must be noted that the Examiner suggests that the space between the ribs being used to receive objects is an intended use. However, the presence and location of these spaces, namely, the object receiving cradles, are structural limitations. Hence, the location of the object receiving cradles may be used to patentably distinguish the claimed invention from the prior art.

In view of the foregoing, it is believed that independent claim 6 defines over the cited references and is in proper form for allowance.

Claims 7 and 9-11 depend either directly or indirectly from independent claim 6 and further define a support structure not shown or suggested in the prior art. It is believed that claims 7 and 9-11 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

Claim 14 defines a support structure for supporting an object. The support structure includes an elongated member extending along a longitudinal axis and having first and second sides, first and second edges, first and second ends and a thickness. The first side of the elongated member includes a first plurality of ribs projecting therefrom and being spaced between the first and second ends along a first axis. A second plurality of ribs projects from the first side and are spaced between the first and second ends along a second axis. A third plurality of ribs project from the first side of the elongated member and are spaced between the first and second ends along a third axis. A first plurality of depressions is formed in the first side of the elongated member and are spaced between the first and second ends along a first depression axis disposed between the first axis and the second axis. A second plurality of depressions is formed in the first side of the elongated member and are spaced between the first and second ends along a

second depression axis disposed between the second axis and the third axis. The plurality of ribs projecting on the first side of the elongated member includes a first rib and a second rib. The first rib and the second rib of the first plurality of ribs projecting from the first side of the elongated member partially defines a first object receiving cradle therebetween. Each of the first plurality of ribs is aligned with a corresponding rib of the second plurality of ribs and with a corresponding rib of a third plurality of ribs along a corresponding axis transverse to the longitudinal axis of the elongated member. Each of the first plurality of depressions is disposed between one of the first plurality of ribs and one of the second plurality of ribs and each of the second plurality of depressions is disposed between one of the second plurality of ribs and one of the third plurality of ribs. Further, each of the first plurality of depressions forms a corresponding rib projecting from the second side of the elongated member. The ribs projecting from the second side of the elongated member are spaced between the first and second ends along the first depression axis. The ribs projecting from the second side of the elongated member include a first rib and a second rib. The first rib and the second rib define a second side object receiving cradle therebetween. Similarly to claim 6, the first object receiving cradle and the second object receiving cradle overlap and are separated by the thickness of the elongated member.

As heretofore described with respect to independent claim 6, nothing in the Emery '879 patent shows or suggests a support structure that incorporates first and second object receiving cradles that overlap each other on opposite sides of the support structure and that are separated by the thickness of the elongated member. Hence, it is believed that independent claim 14 clearly defines over the Emery '879 patent.

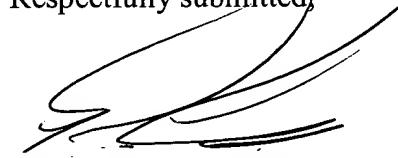
Further, as heretofore described with respect to independent claim 6, nothing in the Williams '189 patent shows or suggests the orientation and location of the ribs on the first and second sides of the elongated member or the object receiving cradles on the opposite sides of the elongated member. Further, nothing in the Williams '189 patent shows or suggests an elongated member having overlapping object receiving cradles on

opposite sides thereof. As such, it is believed that independent claim 14 defines over the cited reference and is in proper form for allowance.

Claim 20 depends from independent claim 14 and further defines a support structure not shown or suggested in the art. It is believed that claim 14 is allowable as depending from an allowable base claim and in view of the subject matter of each claim.

Applicant believes that the present application with claims 6-7, 9-11, 14 and 20 is in proper form for allowance and such action is earnestly solicited. Applicant believes that no fees are due at this time. However, the Director is hereby authorized to charge any fees, or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



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